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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/528,856 | 09/12/2005 | Xavier Boland | 71029-013 | 4166 |

27305 7590 08/10/2006

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304-5151

EXAMINER

GRAHAM, GARY K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1744

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,856

Applicant(s)

BOLAND ET AL.

Examiner

Gary K. Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (WO patent 02/053421) in view of Kotlarski (US patent 6,668,419).

The patent to Weber discloses the invention, a wiper device, substantially as is claimed (figs.4,10). Weber discloses a wiper blade (18) with an elongated carrier (16). The carrier includes longitudinal strips (44) received in grooves of the wiper blade. A connecting device (26) is provided to couple the wiper blade with a U-shaped wiper arm (110). A plastic joint part (166) is received within the arm, is interpositioned between the arm and the connecting device and receives the connecting device substantially therein. The joint part includes a resilient tongue (204) with portion (190) that is received in a hole (200) in the wiper arm.

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The patent to Weber discloses all of the above recited subject matter with the exception of the longitudinal strips being interconnected at neighboring ends by connecting pieces and the connecting device being made of plastic.

The patent to Kotlarski discloses providing connecting pieces or end caps (48) at neighboring ends of longitudinal strips (36,38) to hold such captive in the grooves (28,30) of the wiper strip.

It would have been obvious to one of skill in the art to provide the wiper device of Weber with connecting pieces or end caps on neighboring ends of the longitudinal strips, as clearly suggested by Kotlarski, to hold the strip ends captive within the grooves of the wiper strip.

With respect to claim 11, while Weber discloses that the connecting device is metal, to make such of plastic would have been obvious to one of skill in the art. In the automotive arts, to make components of both metal or plastics is well known. Such appears as an obvious variation of Weber. It would have been obvious to one of skill in the art to make the device of plastics, to provide a lightweight and cheap device, as a choice of materials, lacking some criticality of such material. Mere selection of known materials to make components, the choice being based on the suitability of the material for the particular use, would be entirely obvious.

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Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (WO patent 02/053421) in view of Kotlarski (US patent 6,668,419), as applied to claims 1 and 6 above, and further in view of Baseotto et al (WO patent 02/34594).

The patents to Weber and Kotlarski disclose all of the above recited subject matter with the exception of the hole for the resilient tongue being in the base of the U-shaped arm or in the legs of the U-shaped arm.

The patent to Baseotto discloses a wiper device (fig.4) wherein a joint part (14) is provided between the connecting device (38) and the wiper arm (10). The joint part includes a resilient tongue (80) that has a portion (82) that is received into a hole (84) provided in a base of the U-shaped wiper arm (10).

It would have been obvious to one of skill in the art to move or shift the hole of Weber from the end of the arm to the base of the U-shaped arm, as clearly suggested by Baseotto, to provide a closed end wiper arm and prevent debris entry at the end of the wiper arm.

Further, with respect to claim 8, merely shifting the hole from the base of the U-shaped arm to the side walls of the U-shaped arm appears as an obvious variation of the Weber/Baseotto teachings. To shift the location of parts where the device still functions the same would be entirely obvious to one of skill in the art. It would have been obvious to one of skill in the art to shift the location of the tongue and associated hole to the side walls of the U-shaped arm to inhibit rain or debris from passing down through the wiper arm. Whether one tongue or multiple tongues are provided appears as a duplication of parts with the expected increase in the security of the connection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', written over a horizontal line.

Gary K Graham
Primary Examiner
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